

Message

From: Kaiser, Russell [Kaiser.Russell@epa.gov]
Sent: 1/12/2021 11:40:10 AM
To: Hurd, Kathy [Hurd.Kathy@epa.gov]
Subject: RE: FYI - consultation meeting with Miccosukee Tribe of Indians of FL today

Wow – thanks!

Russell L. Kaiser
Chief, Freshwater and Marine Regulatory Branch
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
1301 Constitution Ave., N.W.
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Washington, DC 20004
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C Ex. 6 Personal Privacy (PP)

From: Hurd, Kathy <Hurd.Kathy@epa.gov>
Sent: Monday, January 11, 2021 1:16 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: FYI - consultation meeting with Miccosukee Tribe of Indians of FL today

FYI – while I’m thinking of it, and as an agenda for when we meet, here is the rundown of current (g) activities I am responsible for (or track if others are supporting e.g., Dolores has lead for ICRs right now):

States investigating assumption – OR, MN, NE (others in the wings – MD and I hear rumors of others but nothing solid yet)

Assisting with state implementation

- FL – Consultations with tribes – Miccosukee; PA 30 day discussion with signatories; adding signatories – maybe; permit oversight and assisting region; responding to lawsuits and FOIAs (this is a lot of work right now)
- MI – a few permit issues; revisions to MI authorities – review requests
- NJ – thankfully quiet

Rulemakings:

- Criminal intent standard
- Codification Rule of FL program – Whitney is current lead
- Revision to 40 CFR 233
 - Revise issue papers
 - Technical fixes
 - Craft new issue papers for ESA, NHPA, MSA, MPPRSA, CZMA
- Tracking mitigation
- Tracking ESA rule changes

Web page – updates, expiring pages etc

ICRs

- Renewal
- For the revisions to 233

Other:

- ASWM workgroup – Dolores sits on it but ...
- Monthly 404(g) calls with Regions and other offices
- Contract management
- Maintain 5 dockets (ICRs, MI program, FL approval, ESA flip, 404g revision)
- Briefings for new leadership
- Lawsuits and court cases – support for OGC and DOJ
- Team and internal mgt meetings on various efforts and new efforts

From: Kaiser, Russell <Kaiser.Russell@epa.gov>

Sent: Monday, January 11, 2021 12:24 PM

To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Subject: RE: FYI - consultation meeting with Miccosukee Tribe of Indians of FL today

Kathy, Thank you! I look forward to catching up; it looks like there is a lot on your plate!!!

Russell L. Kaiser
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From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Sent: Monday, January 11, 2021 12:20 PM

To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Cc: Beck, Whitney <beck.whitney@epa.gov>

Subject: FYI - consultation meeting with Miccosukee Tribe of Indians of FL today

Deliberative –

Mindy, this is a reminder that I and likely Whitney will be in a teams meeting, consulting with the Micosukee today from 2-4 pm on permits in FL. The tribe has requested G2G consultation with us and the USACE on the issues below. The permits in question have already been transferred from USACE to the state. The two federal agencies are in agreement that these permit requests are not in retained waters, they are simply permits being requested by tribal members. OGC will also be on the phone.

Russ – this is just FYI for you as there is no action for either you or Mindy.

- Kathy

Proposed Agenda:

- Welcome/Introductions;
- Discussion of the Corps' retention of outstanding permits currently applied for by the Miccosukee Tribe; specifically, the Miccosukee ask that the USACOE retains the housing pad for Susie Billie, SAJ-2019-04425-ACM; the Tigertail Camp, SAJ-2019-03336; and Chickeechobee Airboat, SAJ-2020-04784;
- Implementation of the 404 program by the State of Florida within certain areas of interest to the Miccosukee; specifically, the Leased Lands in WCA-3A, Big Cypress National Preserve and Addition Areas, and Everglades National Park; and
- Discussion of the process for/Tribe's opportunities for notice of proposed permits, comments, and dispute resolution/elevation to the EPA.

Respectfully,

Kathy Hurd

Clean Water Act 404(g) – U.S. EPA Lead

Office of Wetlands, Oceans, and Watersheds

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Currently working remotely during COVID-19; please call Ex. 6 Personal Privacy (PP)